

**CITY COUNCIL MEETING  
CITY OF WATERTOWN  
April 7, 2014  
7:00 p.m.**

**Mayor Jeffrey E. Graham Presiding**

**Present:** Council Member Roxanne M. Burns  
Council Member Joseph M. Butler, Jr.  
Council Member Stephen A. Jennings  
Council Member Teresa R. Macaluso  
Mayor Graham

**Also Present:** Sharon Addison, City Manager  
Robert J. Slye, City Attorney

**City staff present:** Kurt Hauk, Michael Sligar, Ann Saunders, Deputy Chief Randall, Eugene Hayes, Barbara Wheeler, Brian Phelps, Amie Davis, James Mills, Amy Pastuf, David Wurzburg, Ken Mix, Mike Lumbis, Erin Gardner, Beth Morris

The City Manager presented the following reports to Council:

- Resolution No. 1 - Reappointment to the Transportation Commission – Sam Purington
- Resolution No. 2 - Reappointment to the Transportation Commission – Michelle L. Appleby
- Resolution No. 3 - Reappointment to the Transportation Commission – Owen Virkler
- Resolution No. 4 - Amendment No. 95 to the Management And Management Confidential Pay Plan
- Resolution No. 5 - Approving Franchise Agreement for Installation of Telecommunications Conduit in the City's Right-of-Way, WESTELCOM Network, Inc.
- Resolution No. 6 - Approving Change Order No. 4 to Waste Water Disinfection Improvement Project, General Construction, C.O. Falter Construction Inc.
- Resolution No. 7 - Contract Extension - Paratransit Services, Guilfoyle Ambulance Service
- Resolution No. 8 - Approving The Site Plan For Construction of a 2,580 Square Foot Restaurant, With Drive-In Stalls And Drive-Through Window, Plus Parking Lot And Landscaping, At 121 Western Boulevard, Parcel 8-53-114.100
- Public Hearing - 7:30 p.m. Community Development Block Grant Program Consolidated Plan and Annual Action Plan Public Hearing
- Request for Abate – 909 Washington Street
- Request for Abate – 731 Coffeen Street
- Request for Crosswalks – Samaritan Medical Center
- City Tourism Fund
- Community Action Planning Council of Jefferson County
- Job Career Expo Bus Shuttle
- Palmer Street Reconstruction Options
- WTP Dosing Station Dam Rehab Phase II
- Sales Tax Revenue – February 2014
- Emerald Ash Borer Management Plan from Tree Watertown
- Letter from Washington Street Properties

**Complete Reports on file in the office of the City Clerk**

Meeting opened with a moment of silence.

Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of March 17, 2014 was dispensed and accepted as written by motion of Council Member Roxanne M. Burns, seconded by Council Member Joseph M. Butler, Jr. and carried with all voting in favor thereof.

### **PROCLAMATION**

Mayor Graham interrupted the regular course of business to proclaim April 2014 as Autism Awareness Month in the City of Watertown, and urges all citizens to participate in our Autism Awareness Month activities, in order to become better educated on the subject.

Terri Fulmer, DPAO, said the Autism Awareness walk over the weekend was a huge success with over 300 participants. She invited the community to come to DPAO to see the services they provide and she thanked Council and the public for their support.

### **COMMUNICATIONS**

A letter was received from Patrick Donegan in regards to requesting the City take over roads for the Barben Green Housing Project.

A letter was received from Brian Murray of Washington Street Properties requesting the City improve Palmer Street and that he is offering to donate a section of land along the west side parcel.

**Above communication was placed on file in the office of the City Clerk.**

The following claims against the City were received.

From Renee Shockley for injuries sustained when she fell in the JB Wise Parking lot on March 15.

A Summons was received regarding an Action to Foreclose on a property located on Winslow Street.

**Above claims have been referred to the Board of Audit.**

### **PRIVILEGE OF THE FLOOR**

**Honorable Eugene R. Renzi**, 417 Bugbee Drive, addressed the chair concerning some court issues and noted there has been a lot of misrepresentation in the media. He reminded Council that he does work on Fridays and that City Court holds arraignments seven days a week, including holidays and he said that himself and Judge Palermo switch off every other week. He said that it is his understanding that arraignments are required within 48 hours and the standards and goals are that they are held within 24 hours. City Court, he said, is actually holding arraignments within 12 hours in ninety percent of cases. Regardless of Council's plans or what has been reported, he stated that there will not be midnight

arraignments or early morning arraignments in City Court. He noted it is illegal to arraign individuals who are intoxicated or under the influence, which accounts for about eighty-five percent of the cases seen late at night. The State informed him that that process of overnight or early morning arraignments would not be happening here. He told Council that he believes that both he and Judge Palermo have been very accommodating to the Drug Task Force, whether it be for late night warrants or evening arraignments.

**Honorable Cathy Palermo**, 132 Stuart Street, addressed Council echoing the sentiments of Judge Renzi, and said there should be nothing mysterious about the way Court is run. She reviewed the Court calendar for Council and what goes on during the day. She explained the trial calendar and how that is scheduled. In addition, she said arraignments that happen outside of business hours have no security and no counsel speaking on an individual's behalf.

Judge Renzi said there is a trial scheduled for May 13, which may happen, but he said they may settle. He added that he cannot squeeze people on the schedule at the last moment saying that the court room is available.

Mayor Graham commented this was not an anticipated topic for this evening and noted that perhaps Judge Tormey suggested Judge Renzi come to Council this evening and said he did not want to get into a back and forth on the matter. There is no need for any apologies but there have been some issues as far as facilities and arraignments, he said.

Council Member Butler noted that the Judges are welcome at Council anytime, but during this section of the meeting there cannot be much discussion on the matter. He said he will bring it up under new business.

Judge Renzi invited Council Member Butler to Court to see how things are scheduled, as it would be much more conducive.

Council Member Burns made a point of order, stating that this is supposed to be the public comment portion of the meeting, and said she respects the Judges and appreciates them coming to speak but things are getting off track. She commented that the Mayor needs to rein things in.

Mayor Graham said he will not rule anyone out of order but reiterated this is the public comment section and noted that an email was received at nearly five o'clock this afternoon and that he did not review it (not on file in the Office of the City Clerk).

Judge Renzi added that he believes it would be better served if Council had the opportunity to read the memo and if there are questions, he invited Council to come and see him and then the discussion could be put on the agenda for a more appropriate time.

**Tonino Alteri**, 634 West Prospect Street, Commissioner of the Watertown Sunday Softball League (WSSL), read from a prepared statement (not on file in the Office of the City Clerk) and addressed the Chair regarding the Sunday Softball League, asking the people of Watertown for support. The WSSL is currently celebrating its 44<sup>th</sup> year of existence in the City, he said, and has always paid a flat fee agreement to the City for usage of the fields. There are 300-400 players, families and friends together every Sunday for these games, which brings business to the local stores and vendors. In 2007 the League

paid a total of \$970.00 to the Parks and Recreation department. He said the League is now facing fees in 2014 totaling upwards of \$5,000.00, for use of the same fields, some of which were donated to the City, which is almost as much as the entire League's operating budget. In addition, he said the fields should be chalked, lined and raked after every game, such as is done for girls' softball. The distance of the base paths and pitcher's mound are both under standards, which is a safety concern. He asked if the increase in fees will pay for the changes and noted the change in rates is forcing the WSSL to look elsewhere to hold the League games but said the goal is to stay in Watertown. He added that he has a petition with 200 signatures that was started on April 1, 2014, and is still in the process of collecting signatures. Mr. Alteri said he just wants things to be fair and consistent.

**Marty Lamon**, 246 Elm Street, addressed the Chair, regarding the Softball League that it means a lot to City residents and they have been looking forward to competing. He said they do not want to take their money outside the City to other towns, some of which they have already spoken with and are open to the idea. The vendors and businesses who are sponsors are also going to want to know why there is a big increase in the fee, he said. Mr. Lamon said he hopes to get a chance to talk with Ms. Gardner and come to a middle ground.

Mayor Graham said he is anxious to hear the results of that meeting.

**Dave Winters**, 7905 NYS Rt. 289, Belleville, President of the Downtown Business Association, addressed Council thanking the City and Council for allowing the Easter Egg Hunt. He also wished to thank City staff, especially Parks and Recreation and the Library. There were over 500 kids that participated, he said.

Mayor Graham thanked him for the effort in putting it together.

## **PUBLIC HEARING**

**At 7:30 p.m. Mayor Graham asked the Deputy City Clerk to read the notice of Public Hearing Concerning the Community Development Block Grant Program Consolidated Plan and Annual Action Plan**

**Mayor Graham declared the hearing open at 7:30 p.m.**

**Ken Mix**, Planning Coordinator, addressed the chair and gave an overview of the CDBG program. Two public hearings are required under this program; the second one will be held in September, he said. The City has been allocated \$796,173 for fiscal year 2014 and the program year is from July 1 through June 30. CDBG have to be used for certain objectives including benefiting low to moderate income people, must aid in the prevention or elimination of slums or blight, or must meet a need having a particular urgency. He reminded Council that seventy percent of the funds have to go toward that first national objective. Mr. Mix stated the list of eligible activities.

**Canice Fitzgerald**, 15034 Sand Place Road, Mannsville, addressed the chair on behalf of the Points North Housing Coalition. She said the organization has brought forth three sets of comments that they hope will be considered in the CDBG plan. The first one, she said, is a request of consideration for

extension of the bus route beyond the Salmon Run Mall to include a stop as far out as BOCES, to alleviate the burden on those who cannot afford a taxi or a private vehicle to get to and from work or educational training. In addition, she asked for consideration on the extension of the hours the buses run. The second item is for support of an effort to improve the condition of some of the substandard rental stock. Ms. Fitzgerald noted the third request is for support of the Points North Initiative, which is a HUD continuum of care. It is a planning organization which provides a mechanism to bring dollars into the community to help prevent homelessness and to help re-house individuals who have become homeless. Of the applications submitted, Jefferson County has received \$4,676,924, the majority of which has been expended in the City. She mentioned that the number of people being housed in shelters or hotels has gone down and the length of the temporary housing has decreased as well. Ms. Fitzgerald said the organization would welcome the support both in the planning process and to resource the necessary strategy plan development of the continuum through the CDBG.

**Reg Schweitzer**, Neighbors of Watertown, addressed the chair on behalf of the organization expressing an interest in continuing to work with the City and noted there has been good success over the past years utilizing the funds. The low to moderate impact is easily shown, as is the removal of blight, and wished to offer the services of the organization.

Mayor Graham noted there are a lot of potential topics, such as bus service, and if that becomes a priority how does the City determine how to change it.

Mr. Mix replied that it will be discussed during the April 28 work session and some ideas of what would work will be presented and Council's feedback will be asked for as well. Any CDBG program at its core has to have some housing, and another matter is trying to stabilize neighborhoods through the eradication of blight.

Council Member Butler asked with regard to the bus routes, how it is proven that those riding are low to moderate income.

Mr. Mix said you would have to look at the clientele and a program would have to be developed to assist with a specific clientele. He reminded Council that under the MPO the bus system will be receiving federal funding and mentioned that it might be a better fit to revamp the bus system under that program. Mr. Mix noted that it may just be a matter of subsidizing specific ticket holders.

Council Member Butler inquired about the infrastructure on some streets in which there is blight and run down properties and sidewalks in poor condition.

Mr. Mix replied that sidewalks are definitely doable. Water and sewer line work gets expensive and the CDBG funds would not be able to cover the entire cost, therefore participation from the City's general fund, and water and sewer funds would be needed.

Council Member Butler asked if it could be done in conjunction with the sidewalk program. He mentioned during the Autism walk this weekend, some of the streets had sidewalks that were overgrown with grass and there really was no sidewalk.

Mr. Mix commented that if Council is interested in spending the funds on sidewalks then it can be looked at how it will fit in to the existing sidewalk program or how it can be expanded.

**Mayor Graham declared the hearing closed at 7:40 p.m.**

## **RESOLUTIONS**

### **Resolution No. 1 – Reappointment to the Transportation Commission – Sam Purington**

#### **Introduced by Council Member Roxanne M. Burns**

RESOLVED that the following individual is reappointed to the Transportation Commission for a three-year term, such term expiring on April 1, 2017:

Sam Purington  
42 North Main Street  
Carthage, NY 13619

**Seconded by Council Member Stephen A. Jennings and carried with all voting yea.**

### **Resolution No. 2 – Reappointment to the Transportation Commission – Michelle L. Appleby**

#### **Introduced by Council Member Teresa R. Macaluso**

RESOLVED that the following individual is reappointed to the Transportation Commission for a three-year term, such term expiring on April 1, 2017:

Michelle L. Appleby  
205 North Orchard Street  
Watertown, NY 13601

**Seconded by Council Member Joseph M. Butler, Jr. and carried with all voting yea.**

### **Resolution No. 3 – Reappointment to the Transportation Commission – Owen Virkler**

#### **Introduced by Council Member Stephen A. Jennings**

RESOLVED that the following individual is reappointed to the Transportation Commission for a three-year term, such term expiring on April 1, 2017:

Owen Virkler  
420 Newman Drive  
Watertown, NY 13601

**Seconded by Council Member Joseph M. Butler, Jr. and carried with all voting yea.**

### **Resolution No. 4 – Amendment No. 95 to the Management and Management Confidential Pay Plan**

#### **Introduced by Council Member Roxanne M. Burns**

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York, hereby approves Amendment No. 95 to the Management and Management Confidential Pay Plan for the position listed below, as follows:

Position	Salary
Deputy City Clerk (new appointee)	\$35,000

**Seconded by Council Member Teresa R. Macaluso**

Prior to the vote on the foregoing resolution, Council Member Joseph M. Butler, Jr. thanked City Clerk Saunders for a job well done in quickly filling the position of Deputy City Clerk.

Ann Saunders, City Clerk, introduced Margaret Puccia as her new appointee to Deputy City Clerk and replacement for Elyse Frezzo who will be retiring at the end of the month.

**At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea.**

**Resolution No. 5 – Approving Franchise Agreement for Installation of Telecommunications Conduit in the City’s Right-of-Way, WESTLECOM Network, Inc.**

**Introduced by Council Member Teresa R. Macaluso**

WHEREAS the City is a municipal corporate organized under the laws of the State of New York and, as such, owns property in the City’s street margins which can be utilized by the City and its franchisees for the location of utilities and other services having a public benefit, and

WHEREAS the City desires to advance the public purpose of promoting, developing or expanding business within the City by permitting the location of private telecommunications conduit within the City’s street margins by means of a non-exclusive franchise, and

WHEREAS WESTELCOM Network, Inc. has expressed a desire to enter into a Franchise Agreement with the City allowing them, by permit only, to install, repair and maintain Franchisee’s conduit in the City’s right-of-way,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Franchise Agreement for Installation of Telecommunications Conduit in the City’s right-of-way with WESTELCOM Network, Inc., a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that City Manager Sharon Addison is hereby authorized and directed to execute the Agreement on behalf of the City of Watertown.

**Seconded by Council Member Joseph M. Butler, Jr.**

Prior to the vote on the foregoing resolution, Ms. Addison advised that the contract needs to be amended, under Section IV – Compensation. She omitted a clause, in the second to last sentence and replaced it with the correct wording (as printed in italics below.)

**Motion was made by Council Member Roxanne M. Burns to amend the foregoing resolution to read “Franchisee shall install a minimum of 1.5 inch conduit for pole to pull-box installations and a minimum of 2.0 inch conduit for ‘the City’s exclusive use, at no cost to the City of Watertown.’”**

**Motion was seconded by Council Member Teresa R. Macaluso and carried with all voting in favor thereof.**

**At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea.**

**Resolution No. 6 – Approving Change Order No. 4 to Waste Water Disinfection Improvement Project, General Construction, C.O. Falter Construction Inc.**

**Introduced by Council Member Stephen A. Jennings**

WHEREAS on June 3, 2013, the City Council of the City of Watertown approved a bid submitted by C.O. Falter Construction Inc. in the amount of \$3,923,101.00 for the Waste Water Disinfection Improvement Project general construction, and

WHEREAS City Council approved Change Order No. 1 on January 21, 2014 in the amount of \$11,781.55, and

WHEREAS City Council approved Change Order No. 2 in the additional amount of \$6,491.50 and Change Order No. 3 in the additional amount of \$9,075.69 on February 18, 2014, and

WHEREAS C. O. Falter Construction Inc. has now submitted Change Order No. 4 in amount of \$1,961.80 to include the cost of penetration of the Control Building roof to facilitate the installation of the new exhaust vent for the existing hot water heater and allows for a five-day extension of the contract times due to inclement weather, bringing the total contract amount to \$3,952,411.54,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves Change Order No. 4 to the contract with C.O. Falter Construction Inc. bringing the total to \$3,952,411.54 for the Waste Water Disinfection Improvement Project general construction, and

BE IT FURTHER RESOLVED that City Manager Sharon Addison is hereby authorized and directed to execute the Change Order documents on behalf of the City of Watertown.

**Seconded by Council Member Teresa R. Macaluso and carried with all voting yea.**

**Resolution No. 7 – Contract Extension – Paratransit Services, Guilfoyle Ambulance Service**

**Introduced by Council Member Teresa R. Macaluso**

WHEREAS the City Council approved a two-year contract on May 21, 2012 with Guilfoyle Ambulance Service to operate the City's Paratransit Program, and

WHEREAS that contract included an option to renew the contract for three additional one-year terms with a price increase not to exceed 6% in any one renewal year, and



WHEREAS Guilfoyle is offering a one-year extension to June 30, 2015 with a 6% price increase for an annual contract of \$89,393.98,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves the contract extension of one-year with Guilfoyle Ambulance Service for Paratransit Services for an annual contract of \$89,393.98, and

BE IT FURTHER RESOLVED that the City Manager Sharon Addison is hereby authorized and directed to execute any documents necessary to extend the current contract for one year.

**Seconded by Council Member Joseph M. Butler, Jr.**

Prior to the vote on the foregoing resolution, Council Member Butler questioned Section XIII – Payment of the contract under paragraph two, and asked if the figures were a misprint, adding with those numbers the total paid would be \$168,000 instead of the \$84,333 figure listed.

Ms. Addison replied the whole contract needs to be amended to the dates first listed with a six percent increase, as stated.

Council Member Butler explained that by paying \$7,027.75 for 24 months would be twice the amount stated.

Mayor Graham said the original contract expires in June and there is an option for renewal and asked if this one is different.

Ms. Addison replied this is the existing contract.

Council Member Butler stated that this allows for three consecutive one-year renewals.

Ms. Addison said it does.

Council Member Butler asked if a new contract is needed for one year as an addendum to this contract or would this one be considered for renewal.

Attorney Slye replied that the City should ask for the contract to be in the appropriate form to actually contain the terms of the term of the contract they want it to be and for the amount it should be.

**Motion was made by Council Member Joseph M. Butler, Jr. to table the foregoing resolution.**  
**Motion was seconded by Council Member Teresa R. Macaluso and carried with all voting in favor thereof.**

**Resolution No. 8 – Approving The Site Plan for Construction of a 2,580 Square Foot Restaurant, With Drive-In Stalls And Drive-Through Window, Plus Parking Lot And Landscaping, At 121 Western Boulevard, Parcel 8-53-114.100**

**Introduced by Council Member Teresa R. Macaluso**

WHEREAS Ryan Churchill of GYMO, PC, on behalf of CDE Partners, LLC, has submitted an application for site plan approval for the construction of a 2,580 square foot restaurant, with drive-in stalls and drive-through window, plus parking lot and landscaping, at 121 Western Boulevard, parcel 8-53-114.100, and

WHEREAS the Jefferson County Planning Board was scheduled to review the application pursuant to GML § 239-m on March 25, 2014, but failed to establish quorum, and

WHEREAS the Jefferson County Planning Board will not meet again within thirty days, and the City Council is thus free to decide the matter, and

WHEREAS the Planning Board of the City of Watertown reviewed the site plan at its meeting held on April 1, 2014, and voted to recommend that the City Council of the City of Watertown approve the site plan with the following conditions:

- 1) The applicant shall shift the western parking lot entrance northward so that it lines up with the Chipotle/Five Guys driveway.
- 2) The applicant shall provide a minimum 5' offset between the parking lot and the sidewalk along the southern edge of the site.
- 3) The applicant shall shift the crosswalk at the southeast corner of the site so that it lines up with the ramp at the street corner.
- 4) The applicant shall provide photometric plan.
- 5) The applicant shall depict and describe the connection between the on-site storm sewer and the existing storm water management area to the north of the site.
- 6) The applicant shall provide the Engineering Department with copies of all correspondence with NYSDEC regarding the Stormwater Pollution Prevention Plan.
- 7) The applicant shall shift or alter the drive-in canopy so that it does not encroach on the City's 15' water line easement.
- 8) The applicant must depict the connection between the on-site sanitary sewer and the Western Boulevard sanitary sewer.
- 9) The applicant must depict or note the connection between the existing sanitary system to the north of the project site and the City system.
- 10) The applicant shall provide a Landscaping Plan that marks the proposed removals, updates the planting schedule with quantities, and graphically differentiates between the existing and proposed plantings.
- 11) The applicant shall provide additional plantings along the southern edge of the project site: either 3 large-maturing trees at 40' on center, or 4 small- or medium maturing trees

at 30' on center.

- 12) The applicant shall depict property lines distances and bearings on the site survey.
- 13) The applicant shall revise the curblines and building footprints surrounding the site to reflect current conditions.
- 14) The applicant shall provide a set of plans with an original stamp and seal by a NY-licensed engineer or architect.

And

WHEREAS the City Council has reviewed the Short Environmental Assessment Form, responding to each of the questions contained in Part 2, and has determined that the project, as submitted, is an Unlisted Action and will not have a significant effect on the environment,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown declares that the proposed construction and site plan constitute an Unlisted Action for the purposes of SEQRA and hereby determines that the project, as proposed, will not have a significant effect on the environment, and

BE IT FURTHER RESOLVED that it is an express condition of this site plan approval that the applicant provide the City Engineer with a copy of any change in stamped plans forming the basis for this approval at the same time such plans are provided to the contractor. If plans are not provided as required by this condition of site plan approval, the City Code Enforcement Officer shall direct that work on the project site shall immediately cease until such time as the City Engineer is provided with the revised stamped plans. Additionally, any change in the approved plan which, in the opinion of the City Engineer, would require Amended Site Plan approval, will result in immediate cessation of the affected portion of the project work until such time as the amended site plan is approved. The City Code Enforcement Officer is requested to periodically review on-site plans to determine whether the City Engineer has been provided with plans as required by this approval, and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown that site plan approval is hereby granted for the construction of a 2,580 square foot restaurant, with drive-in stalls and drive-through window, plus parking lot and landscaping, at 121 Western Boulevard, parcel 8-53-114.100, as depicted on the plans submitted to the City Engineer on March 11, 2014, subject to the conditions recommended by the Planning Board and listed above.

**Seconded by Council Member Stephen A. Jennings and carried with all voting yea.**

## **ORDINANCES**

No ordinances presented.

## **STAFF REPORTS**

### **Abatement of Fees – 909 Washington Street & 731 Coffeen Street**

Mayor Graham noted the addresses and asked if these would require a motion from Council.

Ms. Addison replied that these fall under the Code Enforcement fee these are first time offenses.

### **City Tourism Fund**

Mayor Graham said he noticed in another memo that staff is proposing across the board cuts in some line items, including CAPC. He noted that that method is not always fair, but may have to be done. He asked if that was being requested here.

Ms. Addison said that is not being requested at this time. This is a partial list of what the City expects to get in, she said.

Council Member Butler commented that last year's budget had \$50,000 for marketing and advertising, and much of it went to the Thousand Islands International Tourism Council, and \$187,000 went to the general fund. He asked if the allocation of the general fund was to pay down debt associated with tourism projects.

Jim Mills, City Comptroller, replied it was for projects along the river, the library and Thompson Park projects.

Mayor Graham inquired what else will be getting cut by ten percent across the board.

Ms. Addison replied DPW, Police and Fire.

Mayor Graham asked if these are proposed cuts that include payroll.

Ms. Addison said they do not include payroll at this time, just projects and supplies.

Council Member Butler asked if the ten percent applies to the entire department or everything in the department except for wages and benefits.

Ms. Addison said the departments of larger magnitude will see a proposed ten percent cut, and other departments will see a two percent cut. There are certain budgets which cannot achieve a ten percent savings.

Mayor Graham commented, just to clarify the proposal, the cuts will be made to the non-payroll component of the given budget.

Ms. Addison replied that is correct.

Mayor Graham said the fire department, for instance, is a \$9 million department and you cannot achieve \$900,000 without cutting pay or laying off people.

### **Palmer Street Reconstruction Options**

Mayor Graham said this has various costs attached to it and asked if Council wished to discuss it.

Council Member Burns said she would prefer to have more time to digest the information but appreciates staff doing the work.

Council Member Jennings asked if there was any movement on who owns the property.

Attorney Slye replied that they have not been asked to continue the search with Brownell so there has been nothing done further to determine the ownership.

Mayor Graham said this property does not appear on the assessment maps as a parcel that anyone owns or pays taxes on. The City has decided to use the property for its own purposes and maintain it at a level that is not satisfactory to some. What stops a municipality from drawing a deed that follows the boundary measurements and filing the deed, he asked.

Attorney Slye said a deed from whom to whom is the question. Currently we know the City does not own it, he said, and if the assessor knew who owned it, he would like to put the name on the tax roll. He added in a three year period of time, the City would effect the same result as it would as a result of a condemnation, because no one would pay taxes on it. The City cannot take property under the eminent domain procedure law unless, to the best of the City's and abstractor's knowledge, we can identify who the heirs of the last known owners are. Once that is known, the City can put those people on notice. There is no one now to give the City a deed, so the City has to apply to a court to have them tell us it is now the City's. Attorney Slye said from the best he can tell, and according to the abstractor, lots were sold on either side of this imaginary line and described abutting Palmer Street, which never was a street given to the City, and remained in the ownership of the original Smith family. The Smith family, he said, owns it and the heirs own it.

Mayor Graham asked about the area where the purported road is, is not on any piece of land that currently has taxes paid on it. The individual who owns the apartment buildings said he was donating land, he said.

Attorney Slye explained there is Palmer Street and Palmer Street Extension and to his understanding the particular roadway that is near the apartments is owned by the apartment complex.

Mayor Graham inquired if that is part of the parcel in which the apartments are located.

Attorney Slye said he believes it is.

Mayor Graham added that in order to proceed, a description of the property is needed then the City would prepare a deed for that portion.

Attorney Slye mentioned that a few years ago, Kurt Hauk, City Engineer, prepared some charts on the issue which identified which portion was owned by Palmer Street apartments.

Mr. Hauk said there are several different pieces that make up Palmer Street as people would recognize it; mentioning the portion that has technically been on the City's books since 1897 which is about 600 feet off of Arsenal Street. There is a section from there to the property line which was just being discussed, which would be considered the Palmer Street Extension, and the owner of that section is unknown. In addition, there is a portion that falls on the parcel of the housing development and yet another that is located on a sewer easement that the City has for the Western Outfall Trunk Sewer, in total making Palmer Street consist of four sections.

Mayor Graham asked if the part that turns left and goes toward Wealtha Avenue is owned by the City.

Mr. Hauk replied that section is on the Western Outfall Trunk Sewer easement, owned by the City, which is 50 feet wide. The easement itself extends from Wealtha to Bellew Avenues, he said, and it just so happens that Palmer Street turns and follows a City-owned sewer easement.

Mayor Graham questioned if the City built that section of roadway.

Mr. Hauk noted that he has not seen any information that shows the City built any of it. There was talk in the 1980s of building a parallel access road from the apartments to what is called Palmer Street, and it has been an unknown since then.

Mayor Graham commented that one usually thinks of the planning process being more diligent, but at the time there was a lot of political pressure to build the apartments. He added that he still thinks it is a good idea to pursue acquisition of that stretch of land.

Council Member Macaluso noted that she does not want to invest a lot of money in something the City does not own. She added that she does not want it to come back in a negative way on the City and everyone who owns private streets will want the same thing.

Mayor Graham said he is suggesting the City own it then decide if something will be done with it.

Council Member Jennings said acquisition is the first step and the street is a disaster. He added that the City should move to acquire it and fix it.

Council Member Macaluso noted there are sections that are bad, by Wealtha Avenue and by Emmett but the middle section of that street seems fine and added that she drove down there today. People in the City will argue that their street is worse than that street and much more traveled, she said. She asked about a car count.

Mr. Hauk replied that he has some older counts that were taken prior to November of 2011. Traffic on the north leg above Emmett Street was 520 cars a day and the south leg saw 965 cars, he said.

Council Member Burns asked if that was before much of the new construction took place but after the apartments were constructed. She asked how long the section in question has been utilized as part of the

street. Council Member Burns said Brownell Abstract did some work on the matter, and asked what year the research was traced back to, prior to the City starting to use that section.

Attorney Slye responded the last deed out from Palmer Smith was 1884, from his recollection. He stated that it is unlikely that the City will know who the heirs are, even with publication notice by court order in the newspaper and as long as the appropriate constitutional guidelines are followed, the City will have met the requirements.

Just for the benefit of the public, Council Member Burns said she does not believe there has been anyone since approximately 1884 that has wanted to claim that portion of the street.

Mayor Graham said he thinks the first step is to either make that City property and maintain it as such or stop maintaining it and stop spending taxpayer money on private property. He added that he thinks the majority would like to see that process commence. If it is not a street, he said, then the City should not allow people to traverse it.

Attorney Slye noted another street, due to its physical constraints, the City did a lot of water and storm sewer work was Riggs Avenue. It is by no means a dedicate-able City street because of its width, he said. He said his recommendation is two-fold, first the City does not have to do something to the width of a 50 foot wide City right-of-way, as Riggs serves as a good example of that. Secondly, he said, he would caution Council that taking title should go hand in hand with the plan to do something with it. Just to take title, he said, and not then proceed and do the work is an invitation to liability. If the City is not prepared to do the work, the moment it takes title, he would not recommend the City take title.

Council Member Butler responded that from his standpoint, he has not been getting calls from constituents regarding Palmer Street. If title is taken, he asked when will it be done and he questioned how it will be paid for as there are other streets that are in the five year capital plan, such as Factory Street and Flower Avenue East, Harrison Street, Newell, Michigan Avenue and Bronson. He said he has been receiving calls from constituents on Flower Avenue East for four or five years, given the amount of water line breaks that occur there. East Avenue is awful, he said, and mentioned the traffic counts on other streets, and calls are being placed from people on those same streets. He asked how Council can represent the interest of the citizens if Palmer Street is put ahead of these other ones. He added that he thinks Palmer Street should be done but put it out in the five year plan. He said he agrees with Attorney Slye on the liability issue as well.

Council Member Burns said she would not suggest putting Palmer Street ahead of other streets and said there are no talks of a total reconstruction plan or new infrastructure, curbs or that degree of improvement. Her impression is that the City could just go in and do some remedial work so it is at least somewhat safe and passable and noted it will not be built to the standard of other City streets. It is an area where there has been a lot of new construction and added she thinks the people who have invested in that area should have a passable street. City crews have cut back some of the brush which has made it much safer and passable, she said.

Mayor Graham noted that three members want to move ahead with the acquisition process and asked if that was sufficient and if a resolution is needed on the matter.

Attorney Slye said he would recommend it.

Council Member Butler commented that there may be three votes on moving forward for the acquisition, but questioned how it will be paid for and reminded the Mayor that a bond needs four votes to pass.

Mayor Graham mentioned that the City spruces up streets every year using CHIPS funds so not everything is a bonded project. He mentioned trying to make improvements internally within DPW and have City staff do the work so there would be no need to bond for the project.

The following resolution was offered:

**Introduced by Mayor Graham**

BE IT RESOLVED that the City Council of the City of Watertown hereby authorizes City staff to move ahead with the acquisition of the corridor for what is now known as Palmer Street Extension and the unnamed areas that connect to Wealtha Avenue.

**Seconded by Council Member Jennings**

**Rules were waived by Council Member Burns, seconded by Council Member Jennings and carried with Council Member Burns, Council Member Jennings and Mayor Graham voting yea, and Council Member Butler and Council Member Macaluso voting nay.**

**At the call of the chair vote was taken on the foregoing Resolution and carried with Council Member Burns, Council Member Jennings and Mayor Graham voting yea, and Council Member Butler and Council Member Macaluso voting nay.**

**The following reports were available for Council to review:**

**Request for Crosswalks – Samaritan Medical Center**

**Community Action Planning Council of Jefferson County**

**Job Career Expo Bus Shuttle**

**WTP Dosing Station Dam Rehab Phase II**

**Sales Tax Revenue – February 2014**

**Emerald Ash Borer Management Plan from Tree Watertown**

**Letter from Washington Street Properties**

## **NEW BUSINESS**

### **Ornamental Light Poles**

Council Member Burns wished to bring to the City Manager's and staff's attention the condition of some of the ornamental light poles due to the harsh weather conditions over the winter. She explained that some of the light fixtures are actually listing to one side or another and suggested DPW keep an eye on them.



### **Easter Egg Hunt**

Council Member Burns thanked the Downtown Business Association, the Flower Memorial Library, Jefferson County Historical Society and the Parks and Recreation department for their work on this event.

Council Member Butler also commented that the Easter Egg Hunt was fabulous despite the weather, and there was a great turnout. He offered thanks to the DBA and Erin Gardner for her efforts as well.

### **Congratulations**

Congratulations were extended to the City Clerk and Margaret Puccia, the new appointee for Deputy City Clerk. Council Member Burns said she is very pleased and is looking forward to having her become part of the staff.

Council Member Butler also wished to congratulate Ms. Puccia and wished her the best.

### **Comments from Judges**

Council Member Butler said Council is fortunate to have Judge Renzi and Judge Palermo present this evening and welcomed their comments. He said he did receive an emailed memorandum at nearly 4:45 p.m. and he did not get much of a chance to read it and noted that he did not believe his colleagues received the memorandum. He appreciates receiving it but noted there is just not enough time to have discourse on the matter. In addition, he said he welcomes Judge Renzi's invitation to come to Court and added that this be discussed collectively and suggested that the Judges are invited back for a future meeting.

### **Brush**

Council Member Butler mentioned that some constituents have called asking if the City is going to pick up the remaining brush left over from winter storms and noted there are some contractors that are perpetuating the idea that the City is not going to be picking up the limbs and branches. He said he would suggest a news release letting citizens know that the City intends to circulate around the neighborhoods to pick up the brush.

Council Member Burns commented there was a briefing on Channel 7 this evening about the City crews that are going around picking up brush and limbs.

Mayor Graham noted that Eugene Hayes, DPW Superintendent, is present to answer questions on the issue.

Mr. Hayes said that the City cannot get some of the debris that is in back or side yards and perhaps a contractor would be better to clear that if the homeowner cannot move it to the front yard for pick up. There is still some ice in the snow banks and noted the City crews cannot really start full effort until the ice is gone because if debris is grabbed that is partially frozen it will leave jagged pieces sticking out which are very dangerous. He said he anticipates within seven to ten days crews will be out in full force.

Meantime, he said, crews have been cutting hanging limbs and working on the City margins. When the ice is gone he said he hopes to have two log loader trucks in use as well as other vehicles, utilizing about 18 employees each day.

Mayor Graham asked how this clean up affects other DPW activities like street sweeping.

Mr. Hayes replied it has a negative affect and asks for cooperation of homeowners to help break down the margins and sweep up the sticks that may have migrated to the roadway. If everything is concentrated on every time crews go down a street, it will extend clean up by weeks, he said. He said the dedication of the 18 people on clean up duty would be the same ones who would normally be paving streets or working in the park areas. He said he anticipates crews will make about three clean up trips around the City.

### **Sunday Softball**

Council Member Butler noted the Sunday Softball representatives were present tonight and said he intends to keep the softball leagues in the City. He asked Mr. Lamon about the increase in fees and asked how he arrived at the \$5,000 figure.

Mr. Lamon replied that Mr. Alteri has been in contact with Ms. Gardner recently and noted the league will be meeting with her to discuss payments and he hopes they can arrive at a more reasonable cost for the teams. The league last year paid approximately \$1,300, he said.

Council Member Macaluso commented that she thought the total for this year was around \$3,300 instead of \$5,000.

Ms. Gardner replied that is correct.

Mayor Graham suggested that at the meeting everyone speak in the same terms about what adds up to what because there are a lot of percentages being mentioned.

Mr. Lamon noted that the \$30.00 per game fee with the number of games played adds up to around \$5,000.

Council Member Butler said he wants to make sure everything is fair and that Sunday Softball is not jeopardized in Watertown. Pertaining to chalking and lining the field and the dimensions, he asked if those services are provided.

Ms. Gardner replied the City does chalk and line the field, but not for every game, only as needed. When there is a tournament, the teams usually request re-chalking every three to four games.

Council Member Butler and staff agreed to look into the distance of the base paths.

### **Sales Tax**

Council Member Butler noted the City is on pace to have a shortfall of almost \$1.2 million.

### **Barben Green Roads**

Mayor Graham mentioned a letter presented earlier regarding Loomus and Tapestry and asked if they have become streets.

Ms. Addison replied they are not City streets.

Mr. Hauk said Mr. Donegan sent a letter on behalf of his sister who is the owner of the property, and noted those streets are an “early Palmer Street” as those streets are still part of the original parcel. The intent is to develop the area and wished to talk to the City about how to dedicate those streets.

Mayor Graham asked if those roads were built to City specs.

Mr. Hauk said some areas are and some are not, and noted there are no sidewalks.

Mayor Graham commented that those who live in those areas assume they are City streets. He added that the City should take possession of those and asked if action needs to be taken.

Mr. Hauk replied at this point the City needs to sit down with the Donegans and work out the details.

Council Member Burns said she knows the street has been patched in the past.

### **Round Shot at Public Safety Building**

Mayor Graham said the media called him this afternoon regarding a round shot at the City Police side of the Public Safety Building. No one was hurt, but he said that was not a good way to find out about it. He suggested the administration at the PSB get Council’s phone numbers to inform them before they call the media. It is news in this age when someone fires shots at a public building, he said.

Council Member Burns said she totally agrees, and that she did not know anything about this. She said the information needs to be made public to everyone, if it is going to the media, including what happened and how it happened. The facts need to remain public, she said.

### **Woolworth Building**

Mayor Graham said the Woolworth Building is moving along nicely and a suggestion was made to have a tour, which is tentatively scheduled for April 30 at 5:00 p.m.

### **Lack of Decorum**

Mayor Graham noted that Council Member Burns brought up an interesting point earlier, which is a problem in North Country politics and that is the lack of decorum. In a court or legislative setting, he said he would appreciate everyone be addressed properly, otherwise it gets to be personal and people’s feelings may get hurt. In addition, it offers respect for the position, he said.

**Motion was made by Council Member Macaluso to move into Executive Session to discuss Current Litigation, Employment History of a Particular Individual and Collective Bargaining**

**Motion was seconded by Council Member Jennings and carried with all voting in favor thereof.**

Council moved into Executive Session at 8:32.

Council reconvened at 8:46 pm.

The following resolution was offered and the minutes were prepared by Ann Saunders, City Clerk.

**Resolution – Authorization to Settle Action to Review Real Property Assessment at 260 Washington Street Parcel No. 10-06-129.000**

**Introduced by Council Member Stephen A. Jennings**

WHEREAS certain real property owned by Watertown Daily Times Inc in the City of Watertown at 260 Washington Street also known as parcel number 10-06-129.000 on the assessment roll and map of the City is assessed upon the assessment rolls of the City for 2013-2014 at \$1,963,600 and

WHEREAS Petitioner has heretofore duly instituted in the Supreme Court proceedings to review the assessment and the determination of the Board of Assessment Review of the City for tax year 2013 in respect to the above property, and

WHEREAS the parties have agreed that a reduction to the assessment on the aforementioned parcel be reduced from \$1,963,600 to \$1,700,000 for the 2013 roll year is warranted, and

WHEREAS the parties have agreed that a reduction to the assessment on the aforementioned parcel be reduced from \$1,963,600 to \$1,600,000 for the 2014 roll year is warranted, and

WHEREAS in consideration of the City setting the assessment as set forth above, Petitioner agrees not to commence tax assessment review proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York or under any other applicable provisions of law for tax years 2014, 2015, and 2016 on the same property except as authorized by RPTL Section 727, and

WHEREAS the City reserves the right to adjust the assessment on the property as authorized by RPTL Section 727, and

WHEREAS the compromise and settlement of the aforesaid proceedings on the above basis is deemed in the best interests of the Respondents,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that the City Attorneys of the City of Watertown be and are hereby authorized, empowered and directed to enter into a formal Stipulation of Settlement and discontinuance of the aforesaid proceedings with counsel of Watertown Daily Times, Inc's on the following terms and conditions:

1. That the total assessment for parcel 10-06-129.000 be reduced from \$1,963,600 to \$1,700,000 for the 2013 assessment roll.
2. That the total assessment for parcel 10-06-129.000 be reduced from \$1,963,600 to \$1,600,000 for the 2014 assessment roll.
3. That an Order of the Supreme Court shall be made and entered settling the aforesaid proceedings to review said assessments without costs to either party as against the other and upon the terms and conditions set forth above, and

BE IT FURTHER RESOLVED that the City Assessor and all other municipal officers, agents or employees be and they hereby are directed to do such acts and things as may be necessary to give full force and effect to the aforesaid settlement, and

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

**Seconded by Council Member Teresa R. Macaluso**

**Rules waived by Motion of Council Member Stephen A. Jennings, seconded by Council Member Teresa R. Macaluso and carried with all voting in favor thereof.**

**At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea.**

Council moved back into Executive Session at 8:47 pm.

## **ADJOURNMENT**

**At the call of the chair, meeting was duly adjourned at 10:31 p.m. by motion of Mayor Graham, seconded by Council Member Macaluso and carried with all voting in favor thereof.**

Amanda C. Lewis

Deputy City Clerk